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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TAREK YOUSSEF HASSAN SALEH,

Plaintiff,

-against-

UNITED STATES OF AMERICA,

Defendant.

Case No. 12 Civ. 4598 (BSJ)

**DECLARATION OF
BRANDON H. COWART**

I, Brandon H. Cowart, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am the Assistant United States Attorney assigned to handle the above case and am fully familiar with all the facts stated herein. I base this declaration on records regularly kept by the U.S. Attorney's Office for the Southern District of New York in the ordinary course of business and made available to me as part of my representation of the United States.

2. I submit this declaration in support of the United States' motion to dismiss the complaint.

3. Each of the attached exhibits is a copy of a document contained in the administrative file of Plaintiff Tarek Youssef Hassan Saleh ("plaintiff" or "Saleh"), maintained

by CIS, and previously maintained by its predecessor agency, the Immigration and Naturalization Service (“INS”).

4. Annexed hereto are true and correct copies of the following:

- Exhibit 1: a Notice to Appear in removal proceedings, issued by DHS to Saleh on April 2, 2009;
- Exhibit 2: a Notice of Action, approving a nonimmigrant visa petition on Saleh’s behalf, issued by INS on June 27, 2001;
- Exhibit 3: a Notice of Action, approving an immigrant visa petition filed on Saleh’s behalf, issued by CIS on August 4, 2003;
- Exhibit 4: an Application to Register Permanent Resident or Adjust Status, filed by Saleh with the former INS on March 5, 2003;
- Exhibit 5: CIS’s February 3, 2009 decision denying Saleh’s adjustment application;
- Exhibit 6: Saleh’s motion to CIS to reconsider its February 3, 2009, decision, filed with CIS on March 5, 2009;
- Exhibit 7: CIS’s April 1, 2009 decision denying Saleh’s motion to reconsider;
- Exhibit 8: a Notice of Additional Charges of Inadmissibility/Deportability, issued by DHS to Saleh on September 30, 2009;
- Exhibit 9: an Application to Adjust Status, filed by Saleh with the Immigration Court on July 14, 2009;
- Exhibit 10: a Notice of Hearing relating to Saleh’s removal proceedings, issued by the Immigration Court on October 1, 2009;
- Exhibit 11: a Notice of Hearing relating to Saleh’s removal proceedings, issued by the Immigration Court on March 23, 2010;
- Exhibit 12: the amended complaint in *Saleh v. Holder*, Case No. 09 Civ. 9066 (S.D.N.Y.), filed on June 18, 2010, Dkt. No. 31;
- Exhibit 13: the Report and Recommendation of the Hon. Gabriel W. Gorenstein, dated December 28, 2010, issued in *Saleh v. Holder*, Case No. 09 Civ. 9066 (S.D.N.Y.), Dkt. No. 47;

- Exhibit 14: the Order of the Hon. Debra A. Batts, dated March 4, 2011, adopting the Report and Recommendation, issued in *Saleh v. Holder*, Case No. 09 Civ. 9066 (S.D.N.Y.), Dkt. No. 53;
- Exhibit 15: the Summary Order of the Second Circuit, dated July 17, 2012, issued in 11-1504-cv;
- Exhibit 16: the New York Post article “Imam E-Date From Hell,” by Janon Fisher, dated Jan. 27, 2008, obtained from the New York Post website, http://www.nypost.com/p/news/regional/item_IhcPC6DWQDis6TCNY7AAIJ, which I retrieved on September 13, 2012.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
September 13, 2012

/s/
BRANDON H. COWART